

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH DOWELL,

No. C 08-01683 CW (PR)

Petitioner,

ORDER REQUESTING SUPPLEMENTAL
BRIEFING

v.

BOARD OF PAROLE HEARINGS,

Respondent.

_____ /

A recent en banc decision from the Ninth Circuit, Hayward v. Marshall, No. 06-55392, 2010 WL 1664977 (9th Cir. April 22, 2010) (en banc), addressed important issues relating to federal habeas review of Board of Parole Hearings (BPH) decisions denying parole to California state prisoners. Therefore, the Court will provide each party an opportunity to submit a supplemental brief (not to exceed ten (10) pages in length) explaining his views of how the Hayward en banc decision applies to the facts presented in Petitioner's challenge to BPH's decision denying him parole.

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1 The Court sets the following schedule:

2 1. No later than May 26, 2010, Respondent must send to
3 Petitioner a copy of the Hayward en banc decision.

4 2. No later than June 4, 2010, Respondent must file and
5 serve any supplemental brief applying Hayward to the facts presented
6 in Petitioner's case.

7 3. No later than July 11, 2010, Petitioner must file and
8 serve any supplemental brief applying Hayward to the facts presented
9 in his case.

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11 IT IS SO ORDERED.

12 Dated: May 17, 2010



13 _____
14 CLAUDIA WILKEN
15 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KENNETH DOWELL,

Plaintiff,

v.

BOARD OF PRISON HEARINGS et al,

Defendant.

Case Number: CV08-01683 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 17, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kenneth Dowell C-78669
1-N-26U
San Quentin Prison
San Quentin, CA 94974

Dated: May 17, 2010

Richard W. Wieking, Clerk
By: Ronnie Hersler, Administrative Law Clerk